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Attorneys for Plaintiff Aloha Sports Inc.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ALOHA SPORTS INC., a Hawaii
corporation,

Plaintiff,

vs.

THE NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION, an
unincorporated association,

Defendant.

CIVIL NO. CV04-00204 DAE/KSC

(Antitrust)

PLAINTIFF ALOHA SPORTS INC.'S
MOTION TO VOLUNTARILY
DISMISS ITS FIRST CAUSE OF
ACTION (VIOLATION OF SHERMAN
ACT SECTION 1) WITH PREJUDICE
AND ITS REMAINING CAUSES OF
ACTION WITHOUT PREJUDICE;
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION OF
MAXWELL M.; EXHIBITS A AND B;
CERTIFICATE OF SERVICE

FILED IN CASE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUN 09 2006

at _____ o'clock and _____ min _____ M
SNE BETIA, CLERK

**PLAINTIFF ALOHA SPORTS INC.'S MOTION TO
VOLUNTARILY DISMISS ITS FIRST CAUSE OF ACTION
(VIOLATION OF SHERMAN ACT SECTION 1) WITH PREJUDICE
AND ITS REMAINING CAUSES OF ACTION WITHOUT PREJUDICE**

Plaintiff Aloha Sports Inc. ("Plaintiff") hereby moves to dismiss with prejudice the First Cause of Action (Violation of Sherman Act Section 1) of its "First Amended Complaint for Treble Damages for Violations of: (1) Sherman Antitrust Act, 15 U.S.C. § 15; (2) Hawaii Unfair Trade Practices Law; (3) Breach of Contract; and (4) Intentional Interference With Contract and/or Prospective Economic Advantage" ("the First Amended Complaint"), and to dismiss without prejudice the remaining causes of action set forth in the First Amended Complaint without prejudice. Once the federal antitrust claim of the First Amended Complaint is dismissed, no claims will remain over which the District Court will have original jurisdiction. Plaintiff requests that this Court decline to continue to exercise supplemental jurisdiction over the remaining state law claims.

This Motion is brought pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, and is based on the accompanying Memorandum of Points and Authorities, Declaration of Maxwell M. Blecher, and exhibits thereto, the pleadings and papers on file in this action, and on such further matters and argument as Plaintiff may later present in connection with this Motion.

This Motion is made following the written meet and confer communications of counsel which Plaintiff initiated on June 2, 2006 and to which Defendant has yet to respond.

Dated: Honolulu, Hawaii; June 9, 2006.

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